

CHAPTER NO. 455**SENATE BILL NO. 517**

By Miller, Jackson, Bowers, Curtis S. Person, Jr.

Substituted for: House Bill No. 563

By Towns, Marrero, Brown, Favors

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 35, Part 3, relative to determination of probation period.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, § 40-35-303, is amended by designating the existing language of subsection (c) as (c)(1) and by adding the following subsection (c)(2):

(2)(A) Except as provided in subdivision (B), if probation is to be granted to a defendant convicted of any of the misdemeanor offenses set out in subdivision (C), the provisions of subdivision (1) of this subsection shall govern the length of such term of probation.

(B) Notwithstanding the provisions of subdivision (A), the judge may sentence a defendant convicted of any of the misdemeanor offenses set out in subdivision (C) to a period of probation not to exceed two (2) years if the judge finds that such period of probation is necessary:

(i) For the defendant to complete any appropriate treatment program or programs, including, but not limited to, a sanctioned batterer's intervention program, an anger management program or any court-ordered drug or alcohol treatment program;

(ii) To make restitution to the victim of the offense;

(iii) To otherwise effect a change in the behavior of the defendant including, but not limited to, imposing any of the conditions set forth in subsection (d) of this section; or

(iv) To protect and better ensure the safety of the victim or any other member of the victim's family or household as set out in subsections (m) and (n) of this section.

(C) The offenses to which this subdivision (2) applies are:

(i) Domestic assault as prohibited by § 39-13-111;

(ii) Assault as prohibited by § 39-13-101, vandalism as prohibited by § 39-14-408, or false imprisonment as prohibited by § 39-13-302, where the victim of any such offense is a person identified in § 36-3-601(8);


(iii) Violation of a protective order as prohibited by § 36-3-612; and

(iv) Stalking as prohibited by § 39-17-315.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

PASSED: May 27, 2005


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 18th day of June 2005


PHIL BREDESEN, GOVERNOR